

GOVERNMENT OF ANDHRA PRADESH

ABSTRACT

Public Services - Commercial Tax Department – To implement the orders of Hon'ble APAT, Dt.13-04-1998 in OA No. 2369/1996 and the orders, Dt.04-12-2012 in OA No. 4709/2010 filed by Sri Abothula Apparao, Sweeper – cum – Night Watchman, O/o DCTO, Rajam, now retired from service – Orders – Issued.

---

REVENUE(CT.III.2) DEPARTMENT

G.O.Rt.No. 1371

Dated.02-09-2013.

Read the following:

1. Order, Dt.02.07.2004 of Hon'ble APAT in OA No.1127/2000 filed by Sri Abothula Apparao, Sweeper – cum – Night Watchman, O/o. DCTO Rajam.
2. CCT's Ref.No.E3/1854/2004, Dt.25.06.2005.
3. Govt.Memo.No.33147/ CT.III-2/2005-11 Dt.28-8-2009.
4. From the Registrar, APAT , Hyderabad, O.A. No. 4709/2010 filed by Sri Abothula Apparao, Sweeper – cum – Night Watchman, O/o DCTO,Rajam.
5. Govt.Memo No.35069/CT.III.2/2010, Dt:05-08-2010, 24-01-2012, 03-07-2012 and 23-11-2012.
6. From the CCT Lr.No.E3/925/2010, Dt:12-08-2011, 06-07-2012 and 07-12-2012.
7. Orders of the Honble APAT, Dt.04-12-2012 in OA No 4709/2010, filed by Sri Abothula Apparao, Sweeper – cum – Night Watchman, O/o DCTO, Rajam.

\*\* \*\* \*

ORDER:

In the reference 2<sup>nd</sup> read above, the Commissioner of Commercial Taxes, Hyderabad has brought to the notice of the Government that Sri A. Appa Rao was appointed as Sweeper-cum-Night Watchman in the O/o. the Deputy Commercial Tax Officer, Rajam, vide proceedings, Dt.01-02-1974 in non sanctioned post and on completion of 5 years of service, he was sanctioned remuneration of Rs.290+ admissible allowances w.e.f 01-02-1979 and after completion of 10 years of service by 31-1-1984, the fulltime contingent post was converted in to regular post in the LGS w.e.f 01-02-1984 in terms of G.O.Ms.No.9, Dt.08-01-1981, and also sanctioned periodical increments and selection grade scales. The CTO, Rajam vide his Procs.No.106/95-A, Dt.08.11.1995, cancelled the appointment of Sri A.Appa Rao as Attender finding that the post of Sweeper-cum-Night watchman is not sanctioned to the O/o DCTO, Rajam and therefore the conversion of contingent post into regular last grade service is not in order and accordingly, directed him to remit back an amount of Rs. 1294/-. Aggrieved by this, Sri A.Appa Rao approached the Hon'ble Tribunal twice in OA No.2369/1996 and 1127/2000 and the Hon'ble Tribunal in their orders vide reference 1<sup>st</sup> read above has observed that 'he was converted as Attender long back on 01.02.1984 and the action of respondents is in violation of principles of natural justice and the SCN issued by the DC(CT), Vizianagaram cannot be sustained'. While narrating the circumstances, the Commissioner of Commercial Taxes, A.P., Hyderabad has requested the Govt., to pass appropriate orders in the light of directions of Hon'ble APAT to sanction one full time contingent post in Rajam Circle or permission to absorb the individual in any one of the vacancies available in Srikakulam District among Attender posts by conversion. Government have examined the issue and rejected the proposal vide reference 3<sup>rd</sup> read above as there is no vacancy existed in the circle and since the individual retired from service by 30-6-2009.

P.T.O.

2. Questioning the orders of Govt. vide reference 3<sup>rd</sup> read above, Sri A.Appa Rao has approached the Hon'ble Tribunal in O.A. No. 4709/2010, and the Tribunal in their order vide reference 4<sup>th</sup> read above while striking down the Memo. No. 33147/CT.III.2/2005-11, Dt.28.08.2009, observed that the services of the individual were already regularized w.e.f. 01.02.1984; revised pay scales of 1986 were also extended to him and directed to extend the revised pay scales of 1995, 2005 and 2010 and to fix his pension according to rules and pay pensionary benefits.

3. In the circumstances reported in the references read above, Government after careful examination of the proposal, hereby accord permission to the Commissioner of Commercial Taxes, Hyderabad to calculate the pay as on the date of retirement after applying the increments and revised pay scales and fix the pension according to rules and to pay pensionary benefits to Sri A.Appa Rao, Sweeper-cum-Night Watchman, O/o. DCTO, Rajam, now retired from service, whose services were already regularized w.e.f 01-02-1984 as per para-4 of G.O. Ms. No. 9, Fin. & Plg. Dept., Dt.08-01-1981.

4. The Commissioner Commercial Taxes, Hyderabad shall take necessary action accordingly.

5. This order issues with the concurrence of Finance Department vide their U.O. No.10683/75/A2/PC-III/2013,Dt.7-8-2013.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

S.P.SINGH  
PRINCIPAL SECRETARY TO GOVERNMENT

To  
The Commissioner of Commercial Taxes, Hyderabad.  
Copy to :  
The individual through Commissioner of Commercial Taxes, Hyderabad.  
The Deputy Commissioner of Commercial Taxes Vijayanagaram.  
The Commercial Tax Officer, Rajam, Srikakulam District.  
The Accountant General, A.P., Hyderabad.  
The Pay and Accounts Officer, A.P., Hyderabad.  
The STO concerned through CCT, A.P., Hyderabad.  
SF/SC

//FORWARDED BY ORDER//

SECTION OFFICER